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DANIEL W. TURBOW, State Bar No. 175015
DALE R. BISH, State Bar No. 235390
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Attorneys for Nominal Defendant
Applied Micro Circuits Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LEON S. SEGEN, derivatively on behalf of
APPLIED MICRO CIRCUITS
CORPORATION, INC.,

Plaintiff

v.

DAVID M. RICKEY, WILLIAM E. BENDUSH,
and APPLIED MICRO CIRCUITS
CORPORATION,

Defendants.

CASE NO.: C 07-2917 MJJ

**DECLARATION OF DALE R. BISH
IN SUPPORT OF NOMINAL
DEFENDANT APPLIED MICRO
CIRCUITS CORPORATION'S
MOTION TO DISMISS**

DATE: November 27, 2007
TIME: 9:30 a.m.
COURTROOM: 11

JUDGE: Hon. Martin J. Jenkins

Action Filed: June 5, 2007
Trial Date: Not Set

1 I, Dale R. Bish, declare as follows:

2 1. I am an attorney associated with the law firm of Wilson Sonsini Goodrich &
3 Rosati, Professional Corporation, attorneys for Nominal Defendant Applied Micro Circuits
4 Corporation ("AMCC"). I am admitted to practice before the state and federal courts of the State
5 of California, including the United States District Court for the Northern District of California. I
6 submit this declaration in support of AMCC's Motion to Dismiss filed concurrently herewith. I
7 have personal knowledge of the facts set forth in this declaration and can testify competently to
8 those facts.

9 2. Attached as Exhibit A is a true and correct copy of relevant excerpts from Form
10 10-K filed by AMCC with the United States Securities and Exchange Commission ("SEC") on
11 January 10, 2007.

12 3. Attached as Exhibit B is a true and correct copy of AMCC's 1992 stock option
13 plan, which was filed as Exhibit 10.3 to the Form S-1 filed by AMCC with the SEC on
14 October 10, 1997. The Company subsequently revised this stock option plan, a copy of which
15 was filed as Exhibit 10.3 to AMCC's November 15, 1999 Form 10-Q, and is attached hereto as
16 Exhibit C.

17 4. Attached as Exhibit D is a true and correct copy of an August 27, 2007 order
18 issued by Judge Charles R. Breyer in the matter of *Roth v. Reyes et al.*, Case No. 06-cv-02786
19 (CRB).

20 I declare under penalty of perjury under the laws of the State of California and the United
21 States that the foregoing is true and correct. Executed this 28th day of August 2007 at Palo Alto,
22 California.

23
24 /s/ Dale R. Bish

25 Dale R. Bish
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1 I, Douglas J. Clark, am the ECF User whose identification and password are being used
2 to file this declaration and hereby attest that I have on file the holograph signature for any
3 signature indicated by a “conformed” signature (/S/) within this e-filed document.
4

5 Dated: August 28, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

7 By: /s/ Douglas J. Clark
Douglas J. Clark

9 Attorneys for Nominal Defendant
Applied Micro Circuits Corporation
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